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A DISCOURSE

UPON

HONOUR and PEERAGE.

IN A

LETTER

FROM AN

Elector Peer of *SCOTLAND*

To a MEMBER of the

House of Commons.

Virtus repulsæ nescia Sordidæ
Intaminatis fulget Honoribus. Hor.

LONDON:

Printed for J. ROBERTS near the *Oxford-Arms* in *Warwick-Lane*. Price Six Pence. 1719.

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A DISCOURSE UPON HONOUR and PEERAGE.

SIR,

UPON Receipt of late Advices at *Edinburgh*, That there was a Bill coming to your House, in which, besides other Matters therein contained, it is to be provided, that we the Peers of *Scotland* shall no more have the Honour of representing others, or Right of being our selves represented in the Peers House of Parliament, or elsewhere, I immediately posted to this Town, where the Discourse runs more violently, and where it is confidently said further, that certain of the Commoners of *England*, among

 others

others, your ſelf, are to be call'd up to that Honourable Aſſembly, after you have done for your Brethren of *England* what our Repreſentatives have done for us.

The Civilians at *Edinburgh* did not know how to Account for this Matter, but ſay, a Deputy, or what you call a Repreſentative, has indeed full Right to act for his Principal or Conſtituent, in as ample and effectual Manner as if it were he himſelf that did what his ſaid Principal or Conſtituent acts; but at the ſame Time it is from Reaſon and Equity underſtood, that theſe Acts ſhould be for his the Conſtituent's Good and Intereſt, and never can be conſtrued to extend to the taking all the Conſtituent's Property, and converting his Authority to act for him, into a Power to act againſt him. We are therefore amaz'd at what has paſs'd, but in order to expoſtulate with you fairly on this Subject, I ſhall, *Firſt*, Conſider the Incident which is ſuppoſed to have given Occaſion for this Bill, and the Demands which are made for the Preventing ſuch Violation for the future.

Secondly, The Capacity you are in to introduce what is required for ſuch Prevention.

Thirdly, The Circumſtances of Nobility, as attended with Honours and Titles, and Peerage, as accompanied with Priviledges and Powers.

By diſcourſing on theſe Subjects in their proper Appearances, and in Language as free from Self-Intereſt

and Paſſion as ought to be expected from a Man in my Condition, I hope to reclaim a Gentleman of the Character which you have hitherto ſupported from the Precipice of Shame and Reproach, towards which you are miſled by the falſe Lights of Honour and Reſpect, towards which you think you are going.

The acknowledg'd Occaſion for what is now attempted is the Retroſpect to what was done in the late Reign, To wit, That in the Midſt of an Affair of the higheſt Conſequence, twelve new Peers were Intruded and Voted in the Houſe of Lords for the Matter then in Agitation according to the Inclination of the Crown againſt the Intereſt of the People; This is what is ſuggeſted againſt theſe ſudden Noblemen, but as extraordinary as that Step was, the Conduct of thoſe Peers ſince that Time ſhows us, that tho' the Crown may find People who agree with the Adminiſtration at the Inſtant in which they are Created, yet thoſe very Perſons will not be Obſequious at all Seaſons and in all Reigns; and if they will not, the Crown diſables it ſelf, and Multiplies Checks againſt its own Prerogative in Creating new Lords: And this Conſideration has been, and will for ever be Remedy enough againſt Extravagancies of this kind, which can poſſibly do no Miſchief to the People of England, but for a preſent Expedient, and that is in the End made up to them by the reſpective Diminution of the Power, both of the King and the Lords, which muſt neceſſarily follow. The King by Encreaſe of Peers, has ſo many more who have Right to oppoſe the Will and Pleaſure of Him and his Heirs; and the Houſe of

Lords by Addition to their Number, are leſs capable of uniting and aggrandizing themſelves by any Advantages ſeperate from the Good of the Prince and the People. It is from this plain Truth that ſo obvious a Trick as this we ſpeak of was never play'd before by any Prince or Miniſter in the greateſt Exigencies of their Male Adminiſtration. —— I have heard indeed that Charles the IId was graciouſly pleas'd to ſay, that if his Friends would procure him the Houſe of Commons, he would make a Houſe of Lords by ſending among them his Horſe Guards. This was an Expreſſion worthy his abandon'd Character, but he durſt not make the Experiment, the Nation knew him too well to admit of any Thing ſo uncommon from him. And his Vices, both as a Prince and a Man, had awaken'd the Jealouſy of the World too much to receive from his Hand any Thing yet unknown to the Conſtitution, but the Buſineſs of the twelve Lords happen'd at quite another Sort of Period of Time, and in a far different State of Affairs. Many were the concurrent Incidents which made that monſtrous and audacious Enterprize ſufferable, and paſs without Oppoſition then, and with Impunity ever ſince.

The Crown was Popular by the moſt Glorious Succeſſes at Home and Abroad, and the Enemy reduc'd to ſuch a Condition, as made it eaſy for Artful Men (who ſtudied their own Advantage only, and follow'd the Paſſions and Prejudices of the People, inſtead of conſulting their Intereſt and Safety) to inſinuate that to proſecute the War further, could

be

be only to serve Purposes of the Ministry, and Enhance the Military Glory of the Captain General, who could not be weary of Conquest, but that the Nation forsooth, was to Consult its own Safety. The Queen had been rais'd by Her Great Minister *Godolphin*, and consummate Captain the Duke of *Marlborough*, to the highest Pitch of human Felicity, and Confidence, Love, and Affection, naturally attended the Person, under whose Scepter People liv'd in such profound Prosperity. This Confidence was also heighten'd by her Sex; for it is not so natural to fear for Liberty and Property under the Conduct of a Queen, as from the Enterprizing Genius of a King. None easily expected Evil from one to whom they ow'd so great a Number of Benefits. And as all Events of Honour and Advantage naturally are attributed to the Sovereign, the Queen's Change of her Servants, enabled her new Officers to turn the Power due to the Capacities of her late Ministers to their Destruction, and perswade the Crowd, that any thing was Lawful and Good, to suppress their dangerous Grandeur. These, and the like Circumstances made Way for that monstrous Occurrence in the House of Peers, in the late Reign, on which our present Fears are said to be founded. And it was to such Accidents, and the most Uncommon, Desperate Genius in the World, who cou'd think to make use of, and work upon them, that the Insult of flinging in Twelve in a Day was tolerated by the House of Peers.

There

There is no written Law againſt an Encreaſe of Members in the Houſe of Commons, any more than of Lords. But if upon the Occaſion of this Bill, there ſhould a Meſſage be brought in, That new Members for *Hampſtead*, *Kenſington*, *Brandford*, and *Chiſwick*, were to be ſworn, you might very frankly ſay, there are no ſuch Corporations, and endeavour all things, before you would receive them, and not take them now, and wait for another Seaſon, for ſaying, you would have no more ſuch Aſſiſtances; You would make but a very ill Figure, by ſending a Bill to the Lords ſome Years hence, to deſire their Concurrence to Amend what had never happen'd, but by your own Poſilanimity: And if you could find out the Adviſer of ſuch an Imprudent and Undiſguis'd Violation, you would no Doubt make his Puniſhment as Uncommon as his Guilt, which would be a more natural and certain Means of Safety againſt ſuch Crimes, then to Deſire of their Lordſhips to agree to give up ſome Priviledge of theirs, to Relieve you, as if the Failing were in the Conſtitution, and not in your Selves: Thus I deny that the Caſe is, that the Conſtitution has an Imperfection in this Particular, but whatever Juſtice a Man has on his Side, it is always a Right without a Remedy, where he is afraid or aſham'd, to aſſert ſuch his Right. With great Submiſſion be it ſpoken, the Peers neglected themſelves, when they admitted thoſe Lords, and ſhou'd have Adjourn'd, and Remonſtrated againſt Receiving a Precident, which in it ſelf was inconſiſtent with their very being as a Third State in the Legiſlature.

Beſides,

Beſides that the Law could not be (becauſe it is inconſiſtent with Reaſon and Juſtice that it ſhou'd) that the Crown could arbitrarily, at any Time, make Lords. I have ſeen a ſmall Hiſtory of the Reign of King *Charles*, wherein it is recorded that the Duke of *Buckingham* having attempted to make four new Lords; It was agreed and declared a ſtanding Order, That no new Peers ſhould come into the Houſe who were created, *ſedente Parliamento.*

This laſt Circumſtance which may be produced, was an effectual Anſwer when Lords thought fit to make it, And That, or Something of That Nature would remedy this Evil as effectually as altering the Conſtitution. I will therefore conclude this Head with ſaying no more than this. *That when Men demand more than they want for their Relief, it is a fair Suſpicion that they have more to do with the ſuperfluous Power than they acknowledge.* I here thought to end upon this Head, But I muſt ſubjoin, that I cannot but think it was the Senſe of the Houſe, that the Twelve were very welcome, and came without any Hardſhip done to their Privileges, or elſe they had demur'd upon receiving them, as they bravely and boldly did when they thought their Rights infring'd in the Caſe of the Duke of *Brandon*, and the Duke of *Dover*; it is not poſſible that the Prerogative of the Crown, the Rights of the Peers, or the Privileges of the Commons, can be ſet down, or deſcrib'd, but when they are all interpreted by the Rule of the Good of the People, for which they were inſtituted; there is no ſupernatural Gifts neceſſary to find

out

out the Truth of any Queſtion that can ariſe among them; and as each are juſtly and in Duty bound (as they know the Diſtinctions and Superiorities given them are given for the Sake of the People) to be jealous Truſtees, and Guardians, of the Power in them; ſo is each Part to be alarm'd, when either warmly applies for an Advantage, which more immediately regards it ſelf under contrary Profeſſions, leſt that which is in Words, offer'd as a Favour, might prove in Practice an Injury.

The Conduct of the Houſe of Peers, which has, as it has thought expedient, admitted or reſiſted the Creations of the Crown, ſhews that they well know they have a Power in themſelves, to diſpute its Orders of this Kind, nor can there be a Reaſon produced why the Introduction of the Twelve Lords did not alarm them as much, as that of the Duke of *Brandon* and *Dover*, except it be a Maxim among you Southern People that there can come no Danger but from the North.

I proceed to conſider the Capacity you are in, for introducing ſuch Remedy as is required by this Bill.

The 23d Article of the Act for the Union of the two Kingdoms of *England* and *Scotland*, is as follows.

Article

Article XXIII.

" That the aforesaid Sixteen Peers of Scot-
" land mentioned in the last preceding
" Article, to Sit in the House of Lords of
" the Parliament of *Great-Britain*, shall have
" all Privileges of Parliament, which the
" Peers of *England* now have, and which
" they or any Peers of *Great-Britain* shall
" have after the Union, and particularly the
" Right of sitting upon the Tryals of Peers,
" and in Case of the Tryal of any Peer, in
" Time of Adjournment or Prorogation, of
" Parliament, the said sixteen Peers, shall
" be summon'd in the same Manner, and
" have the same Powers and Privileges at
" such Tryals, as any other Peers of *Great-*
" *Britain* ; and that in Case any Tryals of
" Peers shall hereafter happen when there is
" no Parliament in Being, the Sixteen Peers
" of *Scotland* who sat in the last preceding
" Parliament, shall be summon'd in the same
" Manner, and have the same Powers and
" Privileges at such Tryals, as any other
" Peers of *Great-Britain* : And that all Peers

" of *Scotland* and their Succeſſors to their " Honours and Dignities, ſhall from and af- " ter the Union, be Peers of *Great-Britain*, " and have Rank and Precedency next " and immediately after the Peers of the like " Orders and Degrees in *England* at the " Time of the Union, and before all Peers " of the like Orders and Degrees, who may " be Created after the Union, and ſhall be " try'd as Peers of *Great-Britain*, and ſhall " enjoy all Privileges of Peers, as fully as the " Peers of *England* do now, or as they or " any other Peers of *Great-Britain* may here- " after enjoy the ſame except the Right and " Privilege of ſitting in the Houſe of Lords, " and the Privileges depending thereon, and " particularly the Right of ſitting upon the " Tryals of Peers.

We the Peers of *Scotland* have an Indefeaſible Right by this Act of Union to be Elected, and to ſerve in Parliament as Peers of *Great-Britain*, in the Manner ſtipulated by this Article; and it would be but more cruel, not more unjuſt, to take from us our Lives and Fortunes, as this Honour and Privilege which our Anceſtors purchas'd by the frequent Hazard of theirs. The Terms of this Union are Plain and Abſolute; nor can there be any Privilege, Liberty, or Property, ſecur'd by it to the meaneſt Subject of either Nation,

Nation, violated or alter'd againſt his Will, and no Satisfactory Reparation done him, without infringement of the whole Act, and leaving the Perſons ſo injur'd, at large as Innocent Outlaws, at Liberty to avenge by Force, what was done by Force, for Protection, and Obedience, are Reciprocal, and the withdrawing the one, diſcharges the other. What then is the Condition of us unhappy Men, who are to be diveſted of our Rights, and Privileges of Subjects, and yet no doubt to be deemed Traytors ſhould we fly to any Foreign Power, or Invader, of that Nation which has in the deareſt and greateſt Conſiderations, (thoſe of Honour, and Diſtinction) made us Foreigners? But I feel my ſelf grow warm, for which I beg your Pardon, and will keep my Temper, and argue this Point from the Nature of Power in General.

Power as it is to be exerted by Men over Men, muſt be directed according to Nature, Juſtice and Reaſon; the firſt obvious Step from Confuſion and Anarchy towards ſuch a Power, is Submiſſion to the Will of one Great and Good Man, but ſuch is the Weakneſs and Inſufficiency of the Greateſt and Beſt for ſuch a Charge, that every Abatement, Limitation and Diviſion of that Power which was at firſt Deſpotick, are ſo many Improvements of Government. The Legiſlature of theſe Kingdoms, in ſpight of many Convulſions, has reſted in three States, but neither this or any other Form, can preſerve it ſelf, but according to the Rules of Juſtice and Honour; Power ſeparated from them is Brute-Force, and becomes Violence which is inconſiſtent with Reaſon and Nature, according to which, it is as juſt

a Maxim to ſay, The Legiſlature can do no Wrong, as to ſay, The King can do no Wrong, for to do Wrong, is not to do as becometh a Legiſlature, or becometh a King, and therefore not in their Power.

If we ſhould ſuppoſe the State to commit Injuſtice, it would in that Act be as deſtructive of it ſelf, as of the Perſons violated, for it would ceaſe to be a Congregation of Men living under Laws and begin to be a Collection of Robbers and Pirates, ſupporting themſelves by Force and Strength; it is therefore certain that it is impoſſible and againſt the very Nature of the Thing, the Legiſlature ſhould do Injuſtice.

Examine how you ſtand to us, according to theſe Eternal Rules, We in our Parliament conſtituted a Commiſſion to treat with you for an Union of the two Kingdoms; a Treaty happen'd accordingly, and an Act of Parliament ratifying what we had done in ours, as if it had all been recited therein, accompliſhed and confirm'd an Union.

The above recited Article, is one of the Terms of that Union, nor can it be abated, infring'd or revok'd without diſuniting the Kingdoms, for after that is done, they are no longer held together by Law but by Force, and the Power which keeps us together muſt be Arbitrary and not Legal, or if Legal, not Righteous, for a Law not ſupported by Juſtice, is in it ſelf Null and Void; nor are the Makers of it, Legiſlators, but Oppreſſors.

Thus

Thus then it appears, without any possible Contradiction, that the Parliament of *Great Britain*, cannot exclude the Peers of *Scotland* from the Benefit of the Twenty third Article in the Act for the Union, without becoming an Arbitrary Power, acting with an Indifference to Good and Evil on the Foundation of Might only.

I am now in the last Place to give your future Lordship an Account of what I a late Nobleman think of Nobility and Peerage; the Word Nobility, as pompous as Custom has made it, and as pleasantly as it tingles in the Ears of weak Men, signifies no more than Notability, and Noble is but an Abbreviation of the Word Notable. Thus when a Prince gives a Man a Title, he does by that Act only recommend him to the Observation and Notice of his People, but that is to his Advantage or Disadvantage, meerly as his Character is blameable or Praise-worthy, and the Respect paid him is meerly an Act of Obedience to the King. and a cold Formality, if not supported by some distinguishing Worth in the Person made Noble. Such is the Difference between Honour and Title. Honour is what really exists in a Man, and Title a Declaration of what should be in him.

I have heard my good Father say, when he observed me pleased in being call'd my Lord, that I took that Appellation with a vain Heart, that I ought realy to understand it as an Admonition, and Call upon me to do something worthy of that Superiority. A Lord, said he, should always endeavour to excell other Men in Social Virtues, another Man may be content to be Innocent, but a Lord must be Virtuous;

another

another Man may be content to be Juſt, but a Lord muſt be Generous. Give me leave to tell your Lordſhip, that there is no Advantage among wiſe Men in Titles and Dignities, but as it is for a Man's Service to be more conſpicuouſly known for what he is in himſelf; for the Definition of true Honour and deſirable Diſtinction *is Conſcious Integrity, acknowledged by good Fame.* Thus far I have talked of Nobility attended with Honour and Title; I am to conclude with Peerage, as it is accompanied with Privileges and Powers. I have ſaid already in this long Epiſtle, that no Part of the Legiſlature is veſted with the Diſtinctions and Immunities which it enjoys for its own Sake, but for that of the People, and thus every Peer ſhould think of the Honour and Diſtinction of Peerage. When *Scotland* was a Kingdom we ſate among the Commoners, and were fortified in our Integrity by having certain Seats in Parliament without Election, whereas the other Members were elected only for that Seaſon, by which Means *Scotland* enjoyed the Good of Peerage, without the Danger that might ariſe from that Order, as a ſeparate State in the Legiſlature. When your Lordſhip conſiders this Point ſeriouſly, you will have an Ambition to behave yourſelf where you are with the Dignity of a Peer, and contemn the vain Inclination of being a Peer with the Spirit of a common Man. Aſſume then your ſelf and be not deluded with vain Words, or think to be Noble by ignoble Actions; what is ask'd of you is, to think yourſelf all your Life (if you think at all) truly Baſe to be call'd by others Right Honourable, when you are ſollicited for this Bill, know you are deſired to be what all Men would call you, were there not an Act

againſt

againſt it; and Men will in vain be ſilenced, when the World ſees the Reward of your Treachery, by your being ſtigmatized with a Title. If what I have ſaid can awaken you from this Dream of Honour into a true Senſe of it, I need not point to you the ſeveral other ill Circumſtances that attend this Bill, and the juſt Cauſes of Jealouſy againſt it. But in all this Diſcourſe, I confeſs the Sufferings of that Order of Men, of which I have the Honour to be a Part, has taken up my Thoughts ſo deeply, that I have not animadverted upon the Caſe of the only Family, which it concerns all Men ſhould be Great and Powerful; I mean the Royal One; the Prerogative, (which is no other than a Power in the Crown, not expreſs'd or deſcrib'd by the Laws, but to be us'd with an Analogy to them for the publick Good,) is by this Plan to be impair'd and diminiſh'd in an eſſential Point; and all Perſons who out of Gratitude to the generous Conceſſion reported to be made by the King, whereby he undeniably ſhews, that he values it for its true Uſe, are Zealous to have it remain where it is, are traduc'd in the moſt outragious Manner for their Loyalty. A Paper call'd the *Patrician*, Numb. 2. Calls the Refuſal of this Offer, *A petty Kind of Rebellion*; That Licentious Author ſays elſewhere, *That we never know unto whoſe Hands the Reins of Government may devolve; it therefore behoves us to ſecure our Privileges, that we may not fall the Victims of any aſpiring Prince's enrag'd Diſpoſitions*; This Author will not bear in the Paper call'd, *Plebeian*, any Fear of the miſuſe of Power in the Lords, tho' he ſo openly avows the Terrour he has of it, in the Succeſſors to the Crown; if it be fair

to imagine that a Pamphleteer who is so outragious as to introduce his Royal Highness's Name at full Length, in these his sawcy Crudities, alluded to him in this Expression, I will take the Liberty to say, that if he goes unpunish'd, his Labour to wipe off the Imputation that this Matter was projected *with a View of insulting the Prince of Wales*, will prove very vain and frivolous. This Author and his Abettors will I hope find amongst you Men, who regard the Royal Family, as the Family of the Sovereign, who Guards the Laws, more than as it is the Family of him who bestows Favours and Offices, and will be consequently Careful, to transmit the Prerogative into the Hands of his Majesty's Successors, in as full Capacity to protect the People, as if descended from his Predecessors; it is becoming a Great and Wise King, to declare that his Prerogative should never stand in the Way of any Designs for the publick Good; but how far it becomes a Minister to move him to sign such a Declaration for the Influence of publick Councils, is Matter of Debate. I take my Leave of you for the present, earnestly desiring you would seriously think of the Case of the forlorn Nobility of *Scotland*, and shall with Patience wait the Event of the inverted State of Things, wherein, according to the *Patrician*, an Act of Parliament has pass'd two Parts of the Legislature, and waits for the Popular, instead of the Royal, Negative, or Assent.

I am,

Sir, &c.

FINIS.